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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF VETERINARY MEDICAL EXAMINERS

Administrative Action

CONSENT ORDER

This matter was opened to the State Board of Veterinary Medical Examiners ("Board") following the Board's review of a consumer complaint filed by Jane Nylander, in or about January 2006, concerning the services rendered by respondent Barbara L. Eisen, V.M.D., to her dog "Jesse," an eight (8) year old Basset Hound, in November 2005. Ms. Nylander alleged that

Dr. Eisen failed to properly diagnosis Jesse's condition and that she failed to respond to an emergency.

Jesse was presented to Dr. Eisen at the Cream Ridge Animal Clinic ("Clinic") on November 5, 2005, for removal of masses found in her right front and right hind legs. Subsequent to her physical examination of Jesse, Dr. Eisen examined the masses and recommended surgical removal of the cysts. She also diagnosed Jesse as having a Grade 4 systolic murmur of which the owner was unaware. Respondent discussed with Ms. Nylander the risks of anesthesia for dogs with murmurs. The owner ultimately decided to authorize the surgical removal of the masses. Dr. Eisen performed blood tests. She however maintained, in her January 15, 2006 written correspondence to the Board, that "due to financial concerns on the part of the [owner], [she] did not insist upon an X-ray, having already explained cardiac enlargement."

The mass removal surgery was performed on Tuesday, November 15, 2005 and Jesse recovered uneventfully from anesthesia and surgery and was sent home. The owner asserts that on Friday, November 19, 2005, the dog began to cough and hack. At a follow-up visit to the respondent's office on November 20, 2005, Ms. Nylander complained to Dr. Eisen that Jesse's breathing was more labored than normal. The respondent's examination indicated that the murmur was unchanged and that the lung fields were clear. She prescribed Enacard for the dog. On or about November 22, 2005, Ms. Nylander again complained to Dr. Eisen that Jesse was still coughing and hacking and that the cough was worse at night. The respondent prescribed Clavamox and Torbutol.

On November 26, 2005, the owner took Jesse to the emergency room at Veterinary Surgical and Diagnostic Specialists ("VSDS"), in Clarksburg, New Jersey, because she was panting and coughing constantly. The dog was admitted into VSDS for three (3) days and diagnosed with and treated for congestive heart failure. On November 30th, Jesse was evaluated by a cardiologist at VSDS. Diagnostic tests, including an electrocardiogram, radiograph and echocardiogram, were performed. Jesse was diagnosed as having dilated cardiomyopathy with congestive heart failure and reduced contractility. After discussions with the VSDS veterinarians regarding their findings and Jesse's prognosis and possible treatment, the owner elected to have the dog euthanized.

The Board, following its review of the patient records and other relevant documents in this matter, has concluded that Dr. Eisen engaged in repeated acts of negligence, in violation of N.J.S.A. 45:1-21(d), in that she: 1) failed to take thoracic radiographs of Jesse before performing the surgery despite her knowledge of the dog's substantial murmur; and 2) prescribed a cardiac drug, Enacard, to Jesse with no cardiac diagnostic work-up or testing, including, but not limited to, electrocardiogram, radiographs, echocardiogram and ultrasound. The Board finds that the conduct detailed above establishes a basis for disciplinary action against Dr. Eisen.

It appearing that the respondent desires to resolve this matter without admissions, and any and all liability and wrongdoing being expressly denied, and without recourse to further proceedings; and the Board having been satisfied that the within resolution adequately protects the public health; safety and welfare; and for good cause shown:

ACCORDINGLY, IT IS ON THIS 26th DAY OF

JULY 2007, ORDERED that:

1. The respondent Barbara L. Eisen, V.M.D., is hereby formally reprimanded for her conduct as described above, in violation of N.J.S.A. 45:1-21(d).

2. Respondent shall take and successfully complete a minimum of five (5) hours of Board approved courses of continuing education, in the area of cardiac care and treatment. All continuing education courses taken by the respondent to fulfill this requirement shall be RACE approved and have no affiliation with nor be sponsored by the Cream Ridge Animal Clinic.


3. Dr. Eisen is hereby assessed a civil penalty, pursuant to N.J.S.A. 45:1-22(b), in the amount of \$2,500.00 for engaging in repeated acts of negligence, in violation of N.J.S.A. 45:1-21(d), as detailed above. Such penalty shall be paid by certified check or money order made payable to the State Board of Veterinary Medical Examiners and shall be forwarded to Leslie G. Aronson, Executive Director, Board of Veterinary Medical Examiners, 124 Halsey Street, Sixth Floor, Post Office Box 45020, Newark, New Jersey 07101, contemporaneously with the signing of this Order. Subsequent violations will subject respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

4. Failure to comply with any of the provisions of this Order or remit any and all payments required by this Order will result in the filing of a certificate of debt and may result in subsequent disciplinary proceedings for failure to comply with an Order of the Board.

NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS

By: Mark W. Logan VMD
MARK W. LOGAN, V.M.D.
President

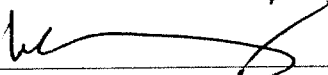
I have read and understand the within
Consent Order and agree to be bound
by its terms. Consent is hereby given
to the Board to enter this Order.



BARBARA L. EISEN, V.M.D.

DATED: 7/24/07

Consent as to form and entry:



WILLIAM A. GARRIGLE, ESQUIRE
Attorney for the Respondent

DATED: 8-6-07